

**ADVOCATES FOR COMMUNITY AND ENVIRONMENT**

*Empowering Local Communities to Protect the Environment and their Traditional Ways of Life*

Post Office Box 1075

El Prado, New Mexico 87529

Phone (575) 758-7202 Fax (575) 758-7203

September 21, 2011

State of Nevada  
Division of Water Resources  
Attn: Susan Joseph-Taylor  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701

**Re: In the Matter of Applications 53987 through 53992, inclusive, and 54003 through 54021, inclusive – Motion to Associate Counsel and Supporting paperwork**

Dear Ms. Joseph-Taylor:

Enclosed for filing in the above-captioned matter, please find one original and one copy of a Motion to Associate Gregory L. James as out of state counsel, proposed order, and supporting exhibits.

Please let me know if you have any questions about this filing.

Sincerely,



Noel Simmons

Encl.

RECEIVED  
2011 SEP 22 AM 11:57  
STATE ENGINEERS OFFICE


**BEFORE THE STATE ENGINEER, STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES**

**IN THE MATTER OF APPLICATIONS )  
53987 THROUGH 53992, INCLUSIVE, AND )  
54003 THROUGH 54021, INCLUSIVE FILED )  
TO APPROPRIATE THE UNDERGROUND )  
WATERS OF SPRING VALLEY, CAVE )  
VALLEY, DELAMAR VALLEY, AND DRY )  
LAKE VALLEY HYDROGRAPHIC BASINS )  
(180, 181, 182, AND 184), LINCOLN )  
COUNTY AND WHITE PINE COUNTY, )  
NEVADA. )**

**MOTION TO ASSOCIATE COUNSEL**

Protestants GBWN et al. hereby move the State Engineer for an order permitting Gregory L. James, Esq. to practice in Nevada pursuant to Nevada Supreme Court Rule 42. This motion is supported by the attached "Verified Application for Association of Counsel" (Exhibit A), "Certificate of Standing from the State Bar of California" (Exhibit B), and the "State Bar of Nevada Statement" (Exhibit C).

Respectfully submitted this 21st day of September, 2011.



Simeon Herskovits, NV Bar No. 11155  
Nevada Counsel of Record  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, NM 87529

RECEIVED  
2011 SEP 22 AM 11:57  
STATE ENGINEERS OFFICE

**BEFORE THE STATE ENGINEER, STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES**

**IN THE MATTER OF APPLICATIONS 53987 )  
THROUGH 53992, INCLUSIVE, AND 54003 )  
THROUGH 54021, INCLUSIVE FILED TO )  
APPROPRIATE THE UNDERGROUND )  
WATERS OF SPRING VALLEY, CAVE )  
VALLEY, DELAMAR VALLEY, AND DRY )  
LAKE VALLEY HYDROGRAPHIC BASINS )  
(180, 181, 182, AND 184), LINCOLN COUNTY )  
AND WHITE PINE COUNTY, NEVADA. )**

**ORDER ADMITTING TO PRACTICE**

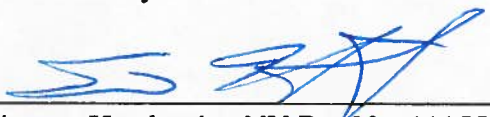
Gregory L. James, Esq., having filed a Motion to Associate Counsel under Nevada Supreme Court 42, together with a Verified Application for Association of Counsel, Certificate of Standing from the State Bar of California, and the State Bar of Nevada Statement, and said Application and Motion to Associate having been noticed and the State Engineer being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said Application and Motion to Associate are hereby granted, and Gregory Lloyd James, Esq., is hereby admitted to practice before the State Engineer for the purposes of the above titled matter only.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_

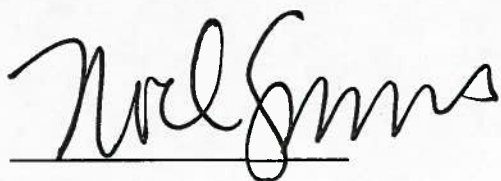
Submitted by:

  
\_\_\_\_\_  
Simeon Herskovits, NV Bar No. 11155  
Nevada Counsel of Record  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, NM 87529

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this MOTION TO ASSOCIATE COUNSEL was served on the following counsel of record, on this 21st day of September, 2011.

Dana Walsh Southern Nevada Water Authority 1001 S. Valley View Blvd. MS#485 Las Vegas, Nevada 89153	Nye County George Benesch 190 W. Huffaker Lane, Suite 408 Reno, Nevada 89511-2092
Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints Severin A. Carlson Kaempfer Crowell, Renshaw, Gronauer & Fiorentino 510 W. Fourth Street Carson City, Nevada 89703	Juab County and Millard County, Utah J. Mark Ward Utah Association of Counties 5397 Vine Street Murray, Utah 84107
EskDale Center Jerald Anderson 1100 Circle Drive EskDale, Utah 84728	Henry C. Vogler IV HC 33 Box 33920 Ely, Nevada 89301
Long Now Foundation Laura Welcher Director of Operations Fort Mason Center Building A San Francisco, California 94123	Confederated Tribes of the Goshute Reservation, Duckwater Shoshone Tribe and Ely Shoshone Tribe Mark Echohawk and V. Aaron Contreras 505 Pershing Ave., Suite 100 Pocatello, Idaho 83205



Noel Simmons

**EXHIBIT A**

BEFORE THE Office of the State Engineer

STATE OF NEVADA

IN THE MATTER OF )  
Applications 53987 - )  
53992, & 54003 - 54021 )  
Hydrographic Basins )  
181-182 & 184 )

) Docket No.

) VERIFIED APPLICATION FOR  
) ASSOCIATION OF COUNSEL UNDER  
) NEVADA SUPREME COURT RULE 42

Gregory Lloyd James \_\_\_\_\_, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 712 Owens Gorge Road  
Street Address  
Mammoth Lakes, Mono, California  
City County State  
93546, ( 760 ) 935-4148  
Zip Code Telephone

2. Petitioner is an attorney at law and a member of the law firm of Law Office of  
Greg James

with offices at 712 Owens Gorge Road  
Street Address  
Mammoth Lakes, Mono, California  
City County State  
93546, ( 760 ) 935-4148, gregjames@earthlink.net  
Zip Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by \_\_\_\_\_  
Please see list attached as Attachment A to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since June 29 of 1973, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of California where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>Supreme Court of the United States</u>	<u>November 19, 1987</u>
<u>Ninth Circuit Court of Appeal</u>	<u>May 4, 1989</u>
<u>U.S. District Court, Central District of CA</u>	<u>August 27, 1973</u>
<u>U.S. District Court, Eastern District of CA</u>	<u>May 15, 1978</u>
<u>U.S. District Court, Southern District of CA</u>	<u>November 16, 1982</u>

6. Petitioner is not currently suspended or disbarred in any court except as hereinafter provided  
(Give particulars; e.g., Court, jurisdiction, date): None

7. Petitioner is not currently subject to any disciplinary proceedings by any organization with authority at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): None

8. Petitioner has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter

provided (give particulars, e.g. court, discipline authority, date, status): None

---

9. Petitioner has never had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked except as hereinafter provided (give particulars, e.g. date, administrative body, date of suspension or reinstatement): None

---

10. Petitioner, either by resignation, withdrawal, or otherwise, has never terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings except as hereinafter provided; None

---

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
None			

(If necessary, please attach a statement of additional applications)



12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Simeon Herskovits 11155  
First Name Middle Name Last Name Bar #

who has offices at Advocates for Community and Environment  
Firm Name/Company

94 Hwy 150, Suite 8, P.O. Box 1075 El Prado Taos  
Street Address City County

87529 ( 575 ) 758-7202  
Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties:

NAME MAILING ADDRESS

Please see parties list attached hereto as Attachment B

---

---

---

---

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Gregory L. James, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

That I am the Petitioner in the above entitled matter; that I have read the foregoing and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 14 day of Sept, 2011

Gregory L. James  
Petitioner/Affiant

If this signature is not in blue ink, you have a copy.

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

SEE ATTACHED  
NOTARIAL CERTIFICATE

# CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

Signature of Document Signer No. 1 \_\_\_\_\_ Signature of Document Signer No. 2 (if any) \_\_\_\_\_

State of California

County of Alameda

Subscribed and sworn to (or affirmed) before me

on this 14<sup>th</sup> day of September, 2011,  
by \_\_\_\_\_  
Date Month Year

(1) Gregory Lloyd James  
Name of Signer

proved to me on the basis of satisfactory evidence  
to be the person who appeared before me (.) (.)

(and

(2) \_\_\_\_\_  
Name of Signer

proved to me on the basis of satisfactory evidence  
to be the person who appeared before me.)

Signature \_\_\_\_\_  
Signature of Notary Public



Place Notary Seal and/or Stamp Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Further Description of Any Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT  
OF SIGNER #2

Top of thumb here

I Simeon Herskovits hereby consent as Nevada Counsel of Record to the  
Print NV Counsel name

designation of Petitioner to associate in this cause pursuant to SCR 42.

DATED this 16<sup>th</sup> day of September, 2011

[Signature]

Counsel of Record

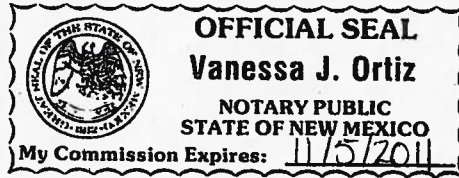
If this signature is not in blue ink, you have a copy.

STATE OF New Mexico )  
COUNTY OF Taos ) ss

Subscribed and sworn to before me

this 16<sup>th</sup> day of September, 2011

Vanessa J Ortiz  
Notary Public



**ATTACHMENT A**

**VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL  
UNDER NEVADA SUPREME COURT RULE 42**

**Question 3 – Clients List**

Great Basin Water Network	County of Inyo
2nd Big Springs Irrigation Company	Abigail Johnson
Keith Anderson	Linda Johnson
Craig Baker,	League of Women Voters of Salt Lake City
Dean Baker	Robert Lewis
Thomas Baker	Lund Irrigation & Water Company
Baker GID	Orvan Maynard
Baker Ranches	Roderick McKenzie
James & Donna Bath	Nevada Farm Bureau
Bath Lumber Company	Panaca Irrigation Company
Govert Bassett	Gary & Jo Ann Perea
Walter Benoit	Preston Irrigation Company
Border Inn	Launce Rake
Carter-Griffin, Inc.	William & Kathy Rountree
Max & Diane Chipman	Toiyabe Chapter Sierra Club
Citizens Education Project	Amelia Sonnenberg
Louis Cole	Sportsworld
Defenders of Wildlife	Terrance & Debra Steadman
Kristine Fillman	Utah Audubon Council
Patrick Fillman	Mildred Valencia
Gardner's Quarter Circle 5 Ranch	David Von Seggern
Jo Anne Garrett	Mark Wadsworth
Kena Gloeckner	Lois Weaver
Patrick Gloeckner	County of White Pine
Great Basin Business & Tourism Council	City of Ely
Kathy Hiatt	Debra Whipple

**ATTACHMENT B**

**VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL  
UNDER NEVADA SUPREME COURT RULE 42**

**Question 13 – Parties List**

Dana Walsh Southern Nevada Water Authority 1001 S. Valley View Blvd. MS#485 Las Vegas, Nevada 89153	Nye County George Benesch 190 W. Huffaker Lane, Suite 408 Reno, Nevada 89511-2092
Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints Severin A. Carlson Kaempfer Crowell, Renshaw, Gronauer & Fiorentino 50 West Liberty Street, Suite 900 Reno, Nevada 89501	Juab County and Millard County, Utah J. Mark Ward Utah Association of Counties 5397 Vine Street Murray, Utah 84107
EskDale Center Jerald Anderson 1100 Circle Drive EskDale, Utah 84728	U.S. Department of Agriculture Forest Service Jeanne A. Evenden 324 25th Street Ogden, Utah 84401
Henry C. Vogler IV HC 33 Box 33920 Ely, Nevada 89301	Long Now Foundation Laura Welcher Director of Operations Fort Mason Center Building A San Francisco, California 94123
Confederated Tribes of the Goshute Reservation, Duckwater Shoshone Tribe and Ely Shoshone Tribe Mark Echohawk and V. Aaron Contreras 505 Pershing Ave., Suite 100 Pocatello, Idaho 83205	

# **EXHIBIT B**



**THE STATE BAR  
OF CALIFORNIA**

**MEMBER SERVICES CENTER**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

**CERTIFICATE OF STANDING**

September 12, 2011

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, GREGORY LLOYD JAMES, #055760 was admitted to the practice of law in this state by the Supreme Court of California on June 29, 1973; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Dina DiLoreto  
Custodian of Membership Records



# **EXHIBIT C**

1 STAT

2  
3 BEFORE THE OFFICE OF THE STATE ENGINEER

4  
5 IN THE MATTER OF  
6 Applications 53987-53992 &  
7 54003-54021 Hydrographic  
8 Basins 181-182 & 184

9 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
10 42(3)(b)

11 THE STATE BAR OF NEVADA, in response to the application of  
12 Petitioner, submits the following statement pursuant to SCR42(3):

13 SCR42(6)Discretion. The granting or denial of a motion to associate  
14 counsel pursuant to this rule by the court is discretionary. The  
15 court, arbitrator, mediator, or administrative or governmental  
16 hearing officer may revoke the authority of the person permitted to  
17 appear under this rule. Absent special circumstances, repeated  
18 appearances by any person or firm of attorneys pursuant to this rule  
19 shall be cause for denial of the motion to associate such person.

- 20 (a) **Limitation.** It shall be presumed, absent special  
21 circumstances, and only upon showing of good cause, that  
22 more than 5 appearances by any attorney granted under  
23 this rule in a 3-year period is excessive use of this  
24 rule.
- 25 (b) **Burden on applicant.** The applicant shall have the  
26 burden to establish special circumstances and good cause  
27 for an appearance in excess of the limitation set forth  
28 in subsection 6(a) of this rule. The applicant shall set  
forth the special circumstances and good cause in an  
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 9/20/2011


2. APPLYING ATTORNEY: Gregory Lloyd James, Esq.

3. FIRM NAME AND ADDRESS: Law Office of Greg James, 712 Owens  
Gorge Road, Mammoth Lakes, CA 93546

1 4. NEVADA COUNSEL OF RECORD: Simeon M. Herskovits, Esq., Advocates  
2 for Community and Environment, 94 Hwy. 150, Ste. 8, P.O. Box  
3 1075, El Prado, NM 87529

4 5. There is no record of previous applications for appearance by  
5 petitioner within the past three (3) years.

6 DATED this September 20, 2011  
7

8   
9 Mary Jorgensen  
10 Member Services Coordinator  
11 Pro Hac Vice Processor  
12 STATE BAR OF NEVADA  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28